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A brief as "amicus curiae" in the United States Supreme Court was offered by the Congress of Industrial Organizations in 1953 during a school segregation case. The brief states that if the court finds segregation in the public schools violates the Fourteenth Amendment, it would be preferable for the court to direct cessation "forthwith" rather than allowing "gradual adjustment." (NH)

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BUILD DEMOCRACY IN THE CLASSROOM

How rapidly should desegregation proceed?

EQUAL EDUCATIONAL OPPORTUNITIES
PROGRAM COLLECTION

UD 008 335

Materials and Research Branch
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Office of Education

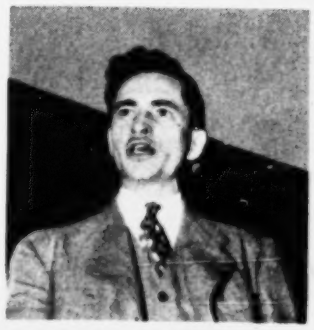
BRIEF FOR THE
CONGRESS OF INDUSTRIAL ORGANIZATIONS
AS AMICUS CURIAE
in the Supreme Court of the United States

Statements issued by CIO President Walter Reuther and CIO Secretary-Treasurer James Carey on May 17, 1954:

CIO President Walter P. Reuther:

"As a result of this historic decision, children of every minority in the United States will receive direct and substantial benefits, and, in turn, a greater share in our democracy. . . .

"The CIO is proud to have played a role as a 'friend of the court' in the school segregation cases and in many of the earlier civil rights cases that built the legal groundwork for today's decision by the Supreme Court."



CIO Secretary-Treasurer James B. Carey:

"The historic decision of the Supreme Court that racial segregation in public schools is unconstitutional is another important step toward securing the constitutional guarantees of equal protection under our laws for all citizens. This decision represents the official recognition of our Government that the separate but equal doctrine is inconsistent with the fundamental equalitarianism of the American way of life. It breathes life into another recommendation of President Truman's Committee on Civil Rights. . . .

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CONGRESS OF INDUSTRIAL ORGANIZATIONS

718 Jackson Place, N.W.
Washington 6, D. C.

IN THE

Supreme Court of the United States

October Term, 1953

No. 10

GEBHART, *et al.*,
Appellants.

vs.

BELTON, *et al.*,
Appellees.

BRIEF FOR THE
CONGRESS OF INDUSTRIAL ORGANIZATIONS
AS *AMICUS CURIAE*

THE INTEREST OF THE CIO

This Brief *amicus curiae* is submitted by the Congress of Industrial Organizations with the consent of the parties.

The CIO is dedicated to the protection of our democratic system of government, and, hence of the civil rights of all Americans. Therefore, it supports the elimination of racial segregation and discrimination from every phase of American life.

The CIO's interest in the specific issues before the Court in this case is two-fold.

First, racial segregation in the public schools directly affects the millions of CIO members whose children attend these schools. The CIO is convinced that school segregation is harmful to the Negro children who are thus treated as inferior, to the white children in whom attitudes of racial hostility and discrimination are thus engendered and encouraged at an early age, and to the community as a whole. School

segregation is a weakening and divisive force in American life. At the CIO's International Convention in November of this year, the delegates unanimously declared their opposition to school segregation, and their support for the position taken by the plaintiffs in these cases.

Secondly, the outcome of these cases will have indirect effects of great importance to the CIO. The CIO is endeavoring to practice non-segregation and non-discrimination in the everyday conduct of its union business. This effort has repeatedly been obstructed by statutes, ordinances, and regulations which require segregation in public meeting halls, public dining places, toilet facilities, etc. These laws seek to require CIO unions to maintain "equal but separate" facilities even in their own buildings, despite our membership's repudiation of segregation in any form. Since the constitutionality of these laws rests on basically the same line of reasoning which is put forward to justify school segregation, the decision of this Court in these school cases will, in all probability, have far-reaching implications as to the validity of these other segregation laws.

More broadly, school segregation, and the general pattern of government enforced segregation of which it is a part, fosters an atmosphere of inter-racial hostility which makes it more difficult for the CIO to carry out its own non-segregation policy. Further, this atmosphere of inter-racial hostility is used by anti-labor employers in opposing CIO organizing drives: invariably these employers stress the CIO's opposition to segregation and discrimination.

THE QUESTION DISCUSSED

In prior briefs *amicus curiae*, last year in *Brown v. Board of Education of Topeka*, and earlier in other school segregation cases, the CIO argued that segregation in public schools on the basis of race violates the Fourteenth Amendment *per se*. That is still our view, and we wholeheartedly subscribe to the arguments in support of it advanced by counsel for the appellants in Nos. 1, 2, and 4, and for the respondents in No. 10. Instead of repeating those arguments, however, we have concluded that it would be most helpful to the Court for us

to confine our discussion to one particular issue on which the CIO has a certain amount of special experience and expert knowledge.

That issue, set out in paragraph 4 of the Court's Order of June 8, 1953, is what the Court should do if it concludes that segregation in the public schools violates the Fourteenth Amendment, i. e., whether the Court should order segregation terminated "forthwith" or permit "gradual adjustment."

This issue is very similar to the problem which the CIO and its affiliated unions have repeatedly faced as to how best to put into effect the non-segregation and non-discrimination policies of the national organizations in localities where segregation and discrimination have theretofore prevailed. It is our experience in the handling of this problem that we wish to lay before the Court.

ARGUMENT

NON-SEGREGATION COULD BE EFFECTUATED WITH LESS DISTURBANCE BY A "FORTHWITH" DECREE THAN BY "GRADUAL ADJUSTMENT."

This memorandum seeks to summarize for the Court the experience and conclusions of unions and employers as to the best way to effectuate non-discrimination or non-segregation policies, and specifically as to how "forthwith" enforcement compares with "gradual adjustment." The bulk of this experience, both union and employer, relates to the institution or enforcement of a policy of non-discrimination and non-segregation in employment. The unions have, however, also had some experience with respect to desegregation in other fields, such as use of meeting halls and other union facilities.

As will be seen, all of this experience, union and employer, reinforces this central point: if a union or an employer wants to put into effect a policy of non-discrimination or non-segregation, it should do it "forthwith," firmly and decisively, and should avoid "gradual adjustment" or any other formula of indefinite postponement. If the policy of non-discrimination or non-segregation is put into effect concurrently with its announcement, and if it is enforced with firmness and decisive-

ness, there is every likelihood that the policy will be generally accepted and that any substantial degree of inter-racial friction will be avoided. The bulk of the people in any community or plant or office are influenced in their attitudes on racial discrimination by the current practice in the community or plant or office. If the practice is changed, and if the change be made unequivocally, they accept the new practice and their attitudes come to reflect it. Thus traditional Southern attitudes on racial segregation largely mirror, according to our experience, simply the prevailing practices, rather than deeply or strongly held individual convictions. Once the practice is changed, beliefs as to what the practice should be will change too.

Conversely, "gradual adjustment" to a new policy of non-segregation or non-discrimination is apt to work less well. Long drawn out discussion of a contemplated ultimate end of segregation or discrimination may serve only to exacerbate racial tensions. Division along racial lines may harden and people may be led to take more extreme and adamant stands than they would have if the issue had been disposed of promptly, once and for all. For example, in a plant where Negro workers have customarily been excluded from certain types of jobs it may prove extremely difficult to persuade the white workers, through a program of education and discussion, that the time has come to end this discrimination. Such a program may serve only to accentuate inter-racial tension by keeping the issue alive and in suspension. On the other hand, if the union and employer firmly announce that henceforth there will be no job discrimination, the new policy will, in our experience, be accepted by the workers with little friction, and the issue will be disposed of once and for all.

We do not mean that education and discussion do not serve a purpose in this field; they do. But they should accompany the effective implementation of a policy of non-discrimination and non-segregation. Absent such effective implementation, endless discussion and the indefinite postponements of "gradual adjustment" may serve only to freeze or accentuate attitudes. If no fixed terminal date for segregation is set, its proponents will regard the issue as really still open, and the

controversy is likely only to become more intense with the passage of time.

Our experience suggests, we think, one further point: The CIO and its unions have put non-segregation and non-discrimination policies into effect in all parts of the country. No major strife has resulted within these organizations—and they are voluntary organizations, whose officers are elected by the membership and whose very existence depends upon the continued good will of the membership. If the non-segregation policies of these voluntary organizations, when promptly and firmly implemented, can win such acceptance, then, *a fortiori*, a definitive decree of the highest Court of the land will receive general acceptance.

I

UNION EXPERIENCE

We have stated the conclusions which the CIO has reached as to the best procedure to follow in putting into effect a policy of non-discrimination or non-segregation. These conclusions rest on a very considerable body of experience. The CIO and its affiliated unions have some hundreds of thousands of members in Southern communities where racial segregation and discrimination, except for the changes the CIO has effected, permeate all aspects of life. It and its affiliates have other hundreds of thousands of members in border communities, or others, where some degree of segregation and discrimination is prevalent.

Yet the CIO has from its beginning stood out against these community prejudices. The CIO Constitution dedicates our organizations "to bring about the effective organization of the workingmen and women of America regardless of race, creed, color or nationality" and "to protect and extend our democratic constitutions and civil rights and liberties, and thus to perpetuate the cherished traditions of our democracy." Similar provisions are found in the constitutions of the international unions affiliated with the CIO. Accordingly the CIO and its affiliated unions have, from their inceptions, opposed discrimination in any form based on race or color.

The meetings of the CIO and its affiliates are never segregated, although, in many areas where we operate ours are the only unsegregated meetings held in the community. Negro members belong to the same local unions and have the same rights as white members. Local union officers are elected without regard to color. Scores of Negroes now hold local union offices, or participate in collective bargaining as members of union negotiating committees. There are local unions that have Negro presidents.

The CIO conducts educational institutes at various places in the south for southern workers—white and Negro; male and female. These educational classes are entirely non-segregated. So also are the political meetings held from time to time by the CIO's Political Action Committee.

As discussed in more detail later, there is now no segregation in the use of CIO facilities, such as meeting halls, rest rooms, drinking fountains, etc. Where the CIO and its unions have their way, there is likewise no segregation in the use of plant eating places, locker rooms, rest rooms, etc. Sometimes, however, state laws or local ordinances require segregation in the use of these facilities, and employers usually comply with laws, unlike the CIO which disregards them as unconstitutional.

Many of the collective bargaining agreements which the CIO and its affiliates have negotiated specifically forbid discrimination on account of race in hiring, promotion, or any term or condition of employment; and whether or not the contracts contain such specific provisions we see to it that they are administered in a non-discriminatory manner.

We do not assert that this insistence by the CIO and its unions on no segregation and no discrimination on account of race has not sometimes been the subject of friction within the unions. Nor do we say that it has not sometimes made the CIO's organizing task more difficult in some communities. There has been some friction: Our unions have had to expel a few members and have even suspended the charter of an occasional local union for refusal to abide by these principles. Likewise, anti-union employers have repeatedly cited our anti-discrimination policies in opposing organizing campaigns

of CIO unions, and their opposition has sometimes been successful.

We do assert, however, that there has been no *major* strife or difficulty or division within CIO unions or locals on this issue. We are confident, moreover, that the unequivocal stand taken by the CIO and its affiliated unions in opposition to segregation or discrimination, and their refusal to temporize on this issue, has resulted in more rapid acceptance of this policy by locals in the South, and in less friction with regard to it, than would have been the case had we followed a program of gradual adjustment to local *mores*.

We will set forth, with a minimum of comment, some of the experiences of the CIO and its unions on this subject.

At the outset we wish to call to the Court's attention the experience of the United Automobile, Aircraft and Agricultural Implement Workers of America, CIO, on this subject. The following quotation is from an article by Brendan Sexton, Educational Director of the UAW, entitled "The Intervention of the Union in the Plant," appearing in *The Journal of Social Issues*, Volume 9, No. 1, pages 8-10. Italics have been added.

> "Where the problem of 'up-grading' has created conflict, the union has been divided regarding the attitude it should take towards the recalcitrant group of workers. One group has advocated a 'soft' educational approach, another a 'hard' course of action. Those who favor education have argued that the abrupt introduction of Negroes into cohesive work groups can only produce aggravations, incite suspicions and provoke wildcat strikes and/or slowdowns. Those who argue for 'action' insist that an informal work group should not be allowed to constitute itself, on the basis of its own sentiments or prejudices, the arbiter of a man's right to a job. The job is the man's right and the work group must bend to that broader democratic rule; the individual seeking that job should not have to bend to the wishes of the work-group. But more than demonstration of principle is involved, the action partisans would argue. Tactically, the approach is also correct, for the union and the company are also claimants to a man's loyalty, and by invoking the authority of the union and management, the work group can psychologically accept these wider claims. In some

instances, this dispute has been complicated by two groups of extremists; on the one hand, the Communists and their supporters have espoused action largely for disruptive purposes; on the other hand, advocates of 'do-nothingism' argue for education as a blind to postpone change. Apart from these extraneous motivations, the issue remains as a real moral and tactical dilemma.

"The writer knows of no objective tests of either approach. *In practice, the union has found that the greatest progress has been achieved where the action method has been used, followed by educational techniques. In those instances, the educational materials have served as a convenient and psychologically necessary rationalization to make acceptable the fact that his behavior has been changed by external sanction—the authority of the union.*

"There are many drawbacks to the use of 'group discussion' as a technique of effecting change in a work plant. Actually we doubt that minority individuals would win many jobs or promotion if unions had put the question to a vote in the work group. Lazy prejudices are hard to change when the group is allowed to feel that that being accepted by it is a privilege. The question arises, too, what is the locus of democratic opinion? Who should be permitted to vote on such a question? Should it be the workers in the specific department where the job is open, the general job classification to which the workers are assigned, the local union of which they are members?

"In the UAW, as in many other unions, the basic issue is decided at international union conventions. And resolutions establishing a non-discrimination policy received all but unanimous support. Since this was accepted as basic union policy, all sub-units of the union are expected to carry out this policy. . . .

". . . Sometimes great resistance develops when such a policy is imposed. In such instances both the action and education techniques must be applied judiciously. In an area in which prejudices are strong, however, prolonged discussion may only serve to generate and reinforce resistance to the application of the union policy."

In the passage of his article just quoted, Mr. Sexton sums up the conclusions which have been reached by the UAW-CIO, one of the country's largest unions, on how a union can best go about implementing a non-discrimination policy. Else-

where in this article Mr. Sexton summarizes some of the experiences which led his union to this conclusion. Typical of these experiences is the following, described on page 9 of Mr. Sexton's article:

> "Members of Local 988 of the UAW-CIO, at the plant of the International Harvester Corporation in Memphis, Tennessee, struck against the upgrading of a Negro into a semi-skilled job in which Negroes had hitherto not been employed. A good deal of education on the desirability of eliminating discrimination had been carried on in this local. In all likelihood this program was as effective as any union education program in any similar local. Moreover this local union had seemed to be more advanced in its attitudes than many other 'Southern' locals in the UAW. It had elected Negroes as local union officers and bargaining committeemen and had, on at least two occasions, sent Negroes as delegates to international union conventions. Nevertheless, when a Negro was promoted to a welding job, the workers at the plant struck to enforce an informal ban against the admission of Negroes into this classification.
>
> "The union neither debated nor discussed the question with the workers affected. It sent to the local union an order adopted by the international executive board, signed by Walter Reuther, which '*instructed*' all workers to return to their jobs. The order called upon the authority of the constitution which had been adopted at the international union's convention. As a result of the order, the strike was called off. The Negro worker was upgraded and there has been no recurrence of trouble at this plant."

The experiences of the United Steelworkers of America, CIO, another of the country's largest unions, have been similar. The greatest aggregation of heavy industry in the South is found in and around Birmingham, Alabama. The mines and mills of the area—coal, iron, and steel—are all unionized, with tens of thousands of steelworkers and iron miners belonging to the United Steelworkers of America.

Despite a prevalent community pattern of segregation and discrimination, the Steelworker's locals have been unsegregated from their inception. White and Negro members belong to the same local unions, attend meetings together, and

elect their local union officers without regard to the color of their skins. In the administration of collective bargaining agreements, the local union officers and the staff representatives of the International—some of whom, like some of the local union officers, are Negroes—are scrupulous to see that there is no discrimination in hiring, advancement, or any term or condition of employment on account of race.

In past years there was undeniably some friction in the Birmingham area over these union policies of no discrimination and no segregation. The union, nevertheless, adhered to these policies firmly and unequivocally, while at the same time undertaking to persuade its members of their soundness and justice. As part of the latter effort, the late Philip Murray, then President of the CIO and of the United Steelworkers of America, on one occasion addressed a mass meeting of thousands of persons in the Birmingham ball park.

The international unions' firm adherence to its policies, coupled contemporaneously with discussion and explanation, has won general acceptance for those policies among the membership in the Birmingham area. They are no longer a source of friction or difficulty. Relations between white and Negro workers in the local unions and in the plants are now generally excellent. Indeed a few months ago the largest steel mill in the area was shut down when thousands of white workers joined a small number of Negro workers in protesting certain work conditions of the latter.

The experience of the Steelworkers' Union with regard to race segregation has not, incidentally, been confined to the South. In 1947 the Gary, Indiana, schools started admitting Negroes to elementary and high school classes theretofore reserved for whites, and hundreds of the white students, many of them children of steelworkers, declared a "holiday" from classes. The Steelworker's Union went into action in support of the school authorities. The District Director, Joseph Germano, explained to a meeting at the union hall the policies of the union against discrimination or segregation, and the meeting voted to suspend from the union members whose children remained away from school. The children went back

to school. (This incident was reported in *The New York Times* for September 8, 1947.)

The following quotation relates to one of our smaller unions, the United Packinghouse Workers, CIO. It is from John Hope II, "The Self-Survey of the Packinghouse Union," in *The Journal of Social Issues*, Vol. 9, No. 1, p. 35:

> "An effort of a dissident white minority to stymie the desegregation of plant facilities, as required by the master contract of 1952, in a Southern branch plant of a major chain packer was defeated when the local officers who had courageously abided by their contractual obligations were re-elected over a lily-white slate of candidates who had sought to retire them from office purely on the race issue. In another Southern plant a brief protest of white women against newly hired Negro women using the some locker room was followed by their acceptance, and later by the insistence of white women that procrastination in the desegregation of the men's locker room be ended. Both are now integrated and no unfavorable consequences are apparent."

These illustrations could be multiplied indefinitely.

We shall, however, cite but one further instance from the CIO's experience; an instance which relates not to segregation or discrimination on the job, but to segregation in union meeting halls, eating places, toilets, etc.

We have already mentioned that various state and local ordinances purport to require separate and segregated facilities. The existence of these laws, and uncertainty as whether they should be complied with, occasioned a certain amount of friction and confusion in CIO State and local councils for some years.

However, in April 1950, the General Counsel of the CIO advised its state and local councils that all such laws and ordinances were, in his opinion, unconstitutional, and that, in line with general CIO policy, "Therefore, no segregation in the use of facilities in buildings or office space under the control of CIO Industrial Union Councils should be permitted, and there should be no signs indicating such segregation."

This policy, once clearly laid down, received complete acceptance. There is now no segregation in the use of any CIO

council facility—and there has been not the slightest friction or difficulty about it.

AFL and independent unions seem to have reached the same conclusions that we have: That a union policy against discrimination or segregation can be implemented without substantial strife or difficulty, if such a policy is unequivocally enunciated and unhesitatingly enforced.

For example, the *Indianapolis News*, for June 24 and 25, 1953, carries a story about a wildcat strike among a minority of Indianapolis railway operators against the proposed hiring of Negro drivers. It reports that the secretary-treasurer of the local union, a local of the Amalgamated Association of Street, Electric Railway & Motor Coach Employees of America, AFL, declared that "Our International Union prohibits any kind of discrimination," and ordered the strikers to return to work, on pain of suspension from the union. The newspaper account further relates that the strikers returned to work, and gave assurances that there would be no repetition of the walk-out.

The United Mine Workers (Independent) has followed the same policy, and with the same results. Here is a quotation from Herbert R. Northrup, "Organized Labor and the Negro," New York, 1946, p. 166, emphasis added:

> "It must be re-emphasized at this point that the UMW has an enviable record of practicing, as well as preaching, racial equality in its organization ever since it began to function. It is true that there have been instances of discrimination against Negroes in particular locals, both in the North and in the South. *But the officials of the national union have never, to the writer's knowledge, condoned such action, and have not hesitated to chastise individual locals for failing to live up to the letter of the non-discrimination policy.* Moreover, the UMW has always conducted both its organizing campaigns and its day-to-day union affairs without prejudice to any race."

We close this enumeration of union experiences and viewpoints on how best to effectuate an anti-discrimination, anti-segregation, policy with a quotation from Hugo Ernst, President, Hotel and Restaurant Employees & Bartenders Inter-

national Union, AFL, which appears in that Union's publication, *The Catering Industry Employee,* for July 1952:

> "I wish to speak out in the strongest possible terms concerning the question of our local unions and the admission of non-Caucasian members.
> "This article is prompted by a newspaper clipping which was sent me the other day by a West Coast friend. It was from the front page of a daily paper, and it set forth the sorry details of a lawsuit filed against one of our local unions by an employer and three bartenders who work for him.
> "The suit was filed because, although the employer was willing and ready to sign a union contract, and his workers were willing and ready to join the union, the union would not sign the contract and would not accept these bartenders as members. The bartenders are all three Negroes.
> "By far the most damaging part of this story lies, not in the unfavorable publicity of that front-page story, but in the fact that there are still, in 1952, members of our International Union who will thus attack the principles of fair play on which every strong union must be built.
> "Our International Constitution is explicit on this matter of discrimination. Section 11, Article XI states:
> " 'No Local may reject a person prior to applying for membership; nor may any Local reject any applicant by reason of race, religion or color.'
> "Nothing could be plainer than that.
> "Nobody can be denied membership in our union because he is a Negro, or because he is an Oriental, or an Indian or because he is a Catholic or a Jew or a Protestant or a Moslem or a Buddhist.
> "If he is employed at the trade he is eligible for membership in the Local Union established to represent persons in his craft—and that's that!
> "Indeed, it is necessary for me to declare in the plainest possible terms that I will have no choice, whenever such situations are brought to my attention, but to place the guilty local union under trusteeship wherever it persists in flaunting our constitution on this point."

II

EMPLOYER EXPERIENCE

The views of employers who have sought to carry out a policy of non-discrimination, on how best to implement such

a policy, largely agree, we believe, with the unions' conclusions on this subject. We wish particularly to call attention to the testimony on this subject of Ivan L. Willis, Vice President in Charge of Industrial Relations, International Harvester Company, given at Hearings on "Discrimination and Full Utilization of Manpower Resources", before the Subcommittee on Labor and Labor-Management Relations of the Senate Committee on Labor and Public Welfare, 82nd Congress, 2nd Session, pp. 84-85. The quotation is long, but, we believe, well worth the Court's consideration:

> "In carrying out our nondiscrimination policy, our approach is about this.
> "First, we do something about the problem, rather than just talk about it.
> "Second, we take our actions at as rapid a pace as circumstances permit, and, once taken, we do not retreat.
> "Third, we try to keep everyone involved as well informed as possible, all the time.
> "To illustrate this approach, let me take the example of a new factory located in a Southern city. In this particular city there are state laws in effect which require separate drinking fountains, separate toilet facilities, separate eating facilities, and so forth. Obviously, we have to comply with state laws, and we do.
> "But, beyond that, many questions arise. The first question is, of course, 'Are we going to hire Negroes at all?' Our answer is 'Yes'.
> "The second question then may be: 'If we do hire Negroes, are we going to segregate them, in the sense that we will simply have all-Negro departments?'
> "Our answer is 'No'. We do not favor all-Negro or all-white departments.
> "The third question is: 'Shall we start out that way, or shall we start in conformity with local customs and try to make a change later?'
> "Our answer was: 'We are going to start on an unsegregated basis'.
> "The next question is: 'How can we do that?'
> "Our answer—for now we are coming to the root of the problem—was more complicated. We said: 'First, we will have to make sure that all our managerial people, our foremen, and supervisors thoroughly understand our policy and the reasons behind it, so that they will be able and willing to do a good job in its application.'

"Second, we said, 'Everybody must know our policy'. So, as men came to the hiring office to apply for work in the new plant, they were all told what our policy was.

"I might insert there, Senator, when we first started employing people at that plant, we permitted all applicants regardless of their race or color to come into a common waiting room. That was our first departure perhaps from the customary practice in that area where it was normally the practice to have white employees come into one room for interviews and the Negroes be either hired at the gate or to come into a separate room.

"They were told that they might find themselves working next to a Negro employee and were given the opportunity at that time to decide whether that would be distasteful to them. Surprisingly few withdrew at that point. Next, in the orientation classes for new employees, all employees were taken together, with no segregation. Finally, their job assignments were made on the same basis. As time has passed and they have gained experience, their promotion and upgrading to better jobs have been carried out on the basis of seniority and ability.

"We have had very few evidences of resentment or bad feeling as a result of our policy. A few times, in this southern plant, there have been incidents, principally arising in cases where a Negro employee was being upgraded. These have not been too serious in nature and have been met successfully, through the joint efforts of the company and the labor union involved, which was the UAW-CIO.

"As a consequence of our experience, we feel perfectly sure that progress can be made, with proper planning and execution of policy. We know that more progress will be made in the future. We have every reason to be quite satisfied with the development of our Negro employees, in productivity and in other ways.

"In the introduction of Negro employees into some of our offices, as distinguished from the manufacturing shops, we have followed essentially the same procedures. First, we have thoroughly discussed all phases of the change with supervisory people. Next, we have had similar discussions with the employees already on the rolls. In practice, we have not met any difficulty which I would consider to be a real problem. In general, things have gone smoothly, and the Negro men and women have fitted in quite well with the rest of the group.

> "As a result of our total experience, I think all of us are convinced that there is nothing insuperable about the problem of integrating minority groups into industry, in any area of the United States. We recognize that progress may be faster in some places than in others, but we do see progress all along the line."

If the views set forth in this testimony are compared with those of Brendan Sexton, UAW Educational Director, quoted *supra,* p. 7, it will be seen that here is one subject on which the views of the company and the union coincide to a remarkable degree. They are in full agreement that the best way to effectuate a policy against racial discrimination or segregation is to announce it firmly and carry it out unequivocally, instead of attempting to depart gradually from local customs.

These views likewise find support in the conclusions of the New York State War Council Committee on Discrimination in Employment. In a pamphlet issued in 1942, entitled "How Management Can Integrate Negroes in War Industries", the Council stated:

> "Introduction of the Negro Worker. Necessity for Firmness and a Real Desire to Integrate Negroes.
> "All persons who have dealt with the problem, including the personnel managers and government officials interviewed, agree that nothing is so important as a firm position on the part of management. Once this position has been stated in terms of Executive Order 8802 and the laws of the State of New York and a recalcitrant white worker still refuses to work with colored persons, management can only transfer the worker or ask for his resignation. This will seldom or never be necessary if the situation is clearly explained. Of all the companies interviewed only one found it necessary to allow a person to resign."

Finally, we respectfully call attention to certain conclusions which resulted from a study conducted by the New York State School of Industrial and Labor Relations, at Cornell University. Its Research Bulletin No. 6, February 1950, on "Negroes in the Work Group", states:

> "Certain conclusions may be reasonably inferred from the data obtained from this study. Again it must be

noted that this is a selected study of a few firms, all of which had a good record for employing Negroes.

"(1) A Firm and Unequivocal Stand

"Employers who decide to hire Negroes for the first time or to hire additional Negroes in new capacities should adopt a firm attitude in this matter. The employer must be resolute in his intentions to enforce this policy regardless of any real or illusory objections that may be raised by people in the organization.

"By adhering to a determined attitude to make the program work, any obstacles that may be raised will be smoothed over or adjusted. Employers earnest in their determination to integrate the Negro will soon find their subordinates as well as their employees following their views."

CONCLUSION

For the reasons stated, we respectfully suggest to the Court, that if it concludes, as we think it should, that segregation in public schools violates the Fourteenth Amendment, it would be preferable for it to implement this conclusion by directing the cessation of segregation "forthwith" rather than by "gradual adjustment".

Respectfully submitted,

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RELIGIOUS REACTION TO SUPREME COURT RULING

. . . **"THAT** in the field of public education the doctrine of 'separate but equal' has no place."

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"GIVES A CLEAR STATUS in law to a fundamental Christian and American principle. . . . milestone in the achievement of human rights, another evidence of the endeavor to respect the dignity and worth of all men . . . We know that the churches and individual Christians will continue to help the authorized agencies in the several communities to bring about a complete compliance with the decision of the Supreme Court."

General Board of the National Council of Churches of Christ in the U. S. A.

●

"IT IS THE DUTY of all Christians to respect that ruling and pray that God shall guide its implementing within the framework of mutual understanding and consideration."

The Southern Baptist Convention

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"SECOND ONLY to the Emancipation Proclamation in its significance and importance to interracial justice."

Interracial Review, organ of the Catholic Interracial Council

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"WE LOOK with great hope to the early implementation of this magnificent decision by all the American people."

The (Conservative) Rabbinical Assembly of America

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"THE CHURCH is furnished with an unequaled opportunity to provide leadership during this period in support of the principles involved in the action of the court."

Methodist Council of Bishops